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OFFICE OF PETITIONS

In re Application of
Sanford Redmond :
Application No. 10/676,162 :
Filed: October 2, 2003 :
Attorney Docket No. 12503/371003 :

DECISION GRANTING PETITION

This is a decision on the petition filed January 13, 2004, requesting that the above-identified application retain the presently accorded a filing date of October 2, 2003, with figures 76, 77, and 78 as part of the original disclosure.

On October 2, 2003, the above-identified application was filed. On December 31, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Items" (the "Notice"), stating that the application had been accorded a filing date of October 2, 2003, however, figures 76, 77, and 78 as described in the specification appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply to the requirement to file the omitted item beginning from the mailing date of the Notice.

In response, on January 13, 2004, applicants filed the present petition, a copy 41 pages of informal drawings, 41 pages of formal drawings, and a postcard receipt date-stamped by the Office acknowledging receipt of 40 pages of informal drawings and 41 pages of formal drawings, among other items on October 2, 2003. Applicant also provided a copy of a communication requesting that the formal drawings replace the informal drawings.

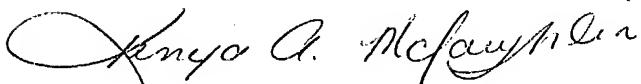
Upon review of the record, figures 77, 76, and 78 as described in the specification were not located among the application papers. It is further noted that the Office date-stamped postcard acknowledged receiving 41 sheets of formal drawings, although only 40 pages of drawings ending with Figure 75 were found in reviewing the application. The evidence is convincing that the application papers deposited October 2, 2003, included 41 sheets of formal drawings that included Figures 76, 77, and 78 as described in the specification. Therefore, the application, including Figures 76, 77, and 78 as described in the specification, was complete on filing and entitled to the presently accorded filing date of October 2, 2003.

Accordingly, the petition is granted.

It is noted that the copy of the formal drawings filed January 13, 2004, contained figures labeled 79 and 80 and that those figures are not described in the specification. This decision is not intended to address whether Figures 79 and 80 will be included as part of the original disclosure or whether the formal drawings will be considered acceptable during examination. This decision only addresses the issue of whether Figures 76, 77, and 78 were present on filing. Petitioner is advised that the examiner assigned to this application will likely require correction to the formal drawings or amendment to the specification.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of October 2, 2003, using the 41 sheets of formal drawings filed October 2, 2003. Deposit account 11-0600 will be refunded \$130.00 that was remitted for the instant petition fee.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0010.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions